

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

WILLIAM DOUNLEY,

Plaintiff

v.

**COMMISSIONER OF SOCIAL
SECURITY ADMINISTRATION,**

Defendant.

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Civil Action No. 3:08-CV-1388-O (BH)

ORDER

After making an independent review of the pleadings, files and records in this case, and the Findings, Conclusions, and Recommendation of the of the United States Magistrate Judge, I am of the opinion that the Findings, Conclusions, and Recommendation of the Magistrate Judge are correct and are adopted as the Findings and Conclusions of the Court.

It is therefore ORDERED that the Findings, Conclusions, and Recommendation of the United States Magistrate Judge are adopted. Accordingly, Plaintiff's motion for summary judgment, filed January 28, 2009, is hereby GRANTED. *Commissioner's Motion for Summary Judgment*, filed February 19, 2009, is hereby DENIED. The decision of the Commissioner is REVERSED and the case is REMANDED for reconsideration.

On remand the Commissioner must determine Plaintiff's residual functional capacity for the period between December 10, 2004, and February 4, 2007, based on medical records from that time period. If the Commissioner determines that Plaintiff was disabled for at least twelve months during this period, he shall determine the date of medical improvement and award benefits for a closed period of disability.

So ORDERED this 22nd day of July, 2009.


Reed O'Connor
UNITED STATES DISTRICT JUDGE